

and the appendix to 34 CFR part 80, as applicable; and

(f) Submit reports on a timely basis that are requested by the Secretary.

(Approved by the Office of Management and Budget under control number 1840-0564)

(Authority: 20 U.S.C. 1065 and 1232f)

[49 FR 28521, July 12, 1984, as amended at 52 FR 11258, Apr. 8, 1987; 53 FR 49146, Dec. 6, 1988; 58 FR 11164, Feb. 23, 1993]

§ 628.48 What happens if a grantee fails to administer the endowment challenge grant in accordance with applicable regulations?

(a) The Secretary may, after giving the grantee notice and an opportunity for a hearing, terminate an endowment challenge grant if the grantee—

(1) Withdraws or spends any part of the endowment fund corpus in violation of § 628.44(a)(1);

(2) Spends any portion of the endowment fund income not permitted to be spent in § 628.45;

(3) Fails to invest the endowment fund in accordance with the investment standards set forth in § 628.43; or

(4) Fails to meet the requirements in § 628.41.

(b) If the Secretary terminates a grant under paragraph (a) of this section, the grantee must return to the Secretary an amount equal to the sum of the original endowment challenge grant or grants plus the income earned on that sum.

(Authority: 20 U.S.C. 1065)

[49 FR 28521, July 21, 1984, as amended at 52 FR 11258, Apr. 8, 1987; 52 FR 36375, Sept. 28, 1987]

PART 630—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Subpart A—General

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AUTHORITY: 20 U.S.C. 1135–1135a–2, 1135a–11, 1137–1137a, unless otherwise noted.

SOURCE: 47 FR 15552, Apr. 9, 1982, unless otherwise noted.

EFFECTIVE DATE NOTE: At 62 FR 10406, Mar. 6, 1997, part 630 was removed, effective Oct. 1, 1997.

Subpart A—General

§ 630.1 Fund for the Improvement of Postsecondary Education.

The purpose of the Fund is to assist educational institutions and agencies in improving postsecondary educational opportunities.

(Authority: 20 U.S.C. 1135)

§ 630.2 Eligible parties.

Institutions of higher education, combinations of institutions of higher education, and other public and private nonprofit institutions and agencies are eligible to receive an award, except planning grants. Only institutions of higher education may receive a planning grant award.

(Authority: 20 U.S.C. 1135–1135a–2, 1135a–11, 1137–1137a)

[58 FR 27144, May 6, 1993]

§ 630.3 Types of awards.

(a) The Secretary awards grants and cooperative agreements under this program based on the evaluation procedures established.

(b) The Secretary does not make grants to an educational institution or

agency other than a nonprofit or public institution or agency.

(c) The Secretary will incorporate additional conditions into each cooperative agreement awarded relating to the substantial involvement of the Government in the project.

(Authority: 20 U.S.C. 1135, 1135a–2, 3474; 41 U.S.C. 505)

§ 630.4 Regulations that apply to this program.

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs), except for § 75.201(a) (Unweighted Selection Criteria).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 82 (New Restrictions on Lobbying).

(6) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 630.

(Authority: 20 U.S.C. 1135–1135a–2, 1135a–11, 1137–1137a, 3474; 41 U.S.C. 505)

[58 FR 27145, May 6, 1993]

§ 630.5 Definitions that apply to this program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR part 77:

Applicant.
Application.
Award.
Department.
EDGAR.
Grant.
Nonprofit.
Preapplication.
Private.
Project.
Public.

Secretary.

(b) *Definitions that apply to this part.* The following definitions apply to this part:

Combination of institutions of higher education means a group of institutions of higher education that have entered into a joint agreement for the purpose of carrying out a common objective, or a public or nonprofit private agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

Community service means planned, supervised services designed to improve the quality of life for community residents, particularly community residents with low income, or to assist in the solutions of particular problems related to the needs of those residents. This term does not include partisan or non-partisan political activity, lobbying, direct solicitation of donations, religious proselytizing, conduct of religious services or instruction, pro-union or anti-union activity, or activities that result in the displacement of employed workers or impair existing contracts for service.

Cooperative agreement means an assistance relationship in which substantial Federal involvement is anticipated.

Educational institution or agency means an entity that is either engaged in activities involving education or has jurisdiction over educational matters pursuant to State or local law.

Fund means the Fund for the Improvement of Postsecondary Education, the unit within the Department that administers the program covered by this part.

Institution of higher education means an institution that meets the definition of that term found in section 1210(a) of the Higher Education Act of 1965, as amended.

(Authority: 20 U.S.C. 1135–1135a–2, 1135a–11, 1137–1137a, 1141)

[47 FR 15552, Apr. 9, 1982, as amended at 52 FR 27523, July 21, 1987; 58 FR 27145, May 6, 1993]

Subpart B—Projects the Secretary Assists Under This Program

§ 630.11 Types of competitions.

The Secretary accepts applications for assistance in two program competition categories described in this section. Each year the Secretary announces, as described in § 630.21, the types of competitions to be conducted and the information required for submitting and reviewing preapplications, when applicable. (See § 630.22).

(a) *The Comprehensive Program Competition.* In this competition, the Secretary supports a broad range of projects that respond to immediate problems or issues in a variety of categories and that seek to improve postsecondary educational opportunities. The Secretary requires the submission of preapplications by applicants under this competition.

(b) *Targeted Competitions.* In these competitions, the Secretary focuses on one or several problem areas or improvement approaches in postsecondary education. Preapplications may be required of applicants under these competitions. The targeted competitions may include, for example—

(1) Special Focus competitions, in which the Secretary supports projects addressing a particular problem area or improvement approach in postsecondary education;

(2) National Project competitions, in which the Secretary supports projects addressing a particular problem area or improvement approach in postsecondary education. Grantees under National Project competitions shall collaborate in disseminating project results;

(3) Network competitions, in which the Secretary supports projects that bring together educational practitioners in a particular area of concern in a continuing association to improve practice in that area;

(4) Final Year Dissemination competitions, in which the Secretary supports efforts by grantees of the Fund to disseminate project ideas and results. Applicants in these competitions are limited to grantees of the Fund whose projects are in their final year of funding, except that a recipient of a single-year grant may apply for assistance

under this competition within one year following the termination of its project; or

(5) Practitioner Scholars competitions, in which the Secretary supports efforts by postsecondary educational practitioners to contribute to knowledge about postsecondary education or to the improvement of postsecondary education by producing a document or other product or by engaging in an activity designed to share the practitioner's knowledge with others.

(c) *Innovative Projects for Community Service competition.* In this competition the Secretary supports innovative projects to encourage student participation in community service projects, including literacy projects.

(d) *Planning Grants competition.* In this competition the Secretary supports projects to develop and test innovative techniques in postsecondary education. No grant may exceed \$20,000.

(e) *Special Projects competition.* In this competition the Director of the Fund supports innovative projects concerning one or more areas of particular national need identified by the Director.

(Authority: 20 U.S.C. 1135-1135a-2, 1135a-11, 1137-1137a)

[47 FR 15552, Apr. 9, 1982, as amended at 52 FR 27523, July 21, 1987; 57 FR 30343, July 8, 1992; 58 FR 27145, May 6, 1993]

§ 630.12 Annual priorities.

(a) Each year the Secretary announces, as described in § 630.21, the program priorities applicable to each competition to be conducted that year and the method that will be used in applying the selected priorities.

(b) Program priorities describe problem areas or improvement approaches in postsecondary education and may include, for example—

(1) Increasing the availability of high quality programs for all postsecondary students by developing educational programs and services that allow currently enrolled students from groups previously excluded from postsecondary educational participation to complete their educational goals;

(2) Expanding professional education and employment for racial or ethnic minorities and women by increasing access to postsecondary educational institutions at the graduate level and by

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increasing employment opportunities within postsecondary educational institutions for these populations;

(3) Expanding learning opportunities for the full-time worker by developing new educational programs and services for workers;

(4) Increasing the use of active modes of learning by using educational processes, such as internships, self-directed learning, learning groups, and interactive electronic technologies, that allow learners to take greater responsibility for their own learning;

(5) Enhancing the knowledge and abilities of postsecondary students by developing new or redefined curricular content and educational subject matters; and

(6) Improving leadership for new educational circumstances by encouraging efforts to renew and implement the educational missions of individual institutions or systems of institutions and to improve the management of postsecondary educational institutions;

(7) Establishing institutions and programs using the technology of communications;

(8) Improving graduate education, the instruction of academic professions, and the recruitment and retention of faculties; and

(9) Creating new institutions and programs for examining and awarding credentials to individuals, and reforming current institutional practices related to credentials.

(c) Under the Comprehensive Program competition, projects that do not address a priority are eligible for support if they address other significant problems in postsecondary education.

(Authority: 20 U.S.C. 1135, 1135a-2, 3474)

Subpart C—How To Apply for Assistance

§ 630.21 Annual announcement.

Each year the Secretary announces in one or more application notices published in the FEDERAL REGISTER, the following:

(a) The types of competitions to be conducted (see § 630.11).

(b) Those competitions requiring preapplications and information about

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the submission and review of preapplications (see § 630.11).

(c) Program priorities selected for each competition and the methods that will be used in applying the selected priorities (see § 630.12).

(d) Selection criteria applicable to each competition and the methods that will be used in applying these criteria (see § 630.32).

(e) Those competitions in which other information or additional materials may be requested or required of applicants after applications have been submitted, and the kind of information or additional materials to be requested or required (see § 630.34).

(Authority: 20 U.S.C. 1135, 1135a-2, 3474)

§ 630.22 Preapplications.

The Secretary considers a preapplication under the procedures in §§ 630.21 and 603.23.

(Authority: 20 U.S.C. 1135)

[57 FR 30343, July 8, 1992]

§ 630.23 Consideration of a preapplication.

(a) The Secretary considers a preapplication if—

(1) The applicant complies with the procedural rules that govern submission of the preapplication; and

(2) The preapplication is submitted in response to an application notice that requires preapplications.

CROSS-REFERENCE. See subpart N of 34 CFR part 74.

(b) If the Secretary requires preapplications and an applicant does not preapply, the applicant may not apply for a grant.

(c) If an applicant submits a preapplication, the Secretary—

(1) Informs the applicant that it is eligible and encourages it to apply for a grant;

(2) Informs the applicant that it is eligible but does not encourage it to apply for a grant; or

(3) Informs the applicant that it is ineligible for assistance, and explains why the applicant is ineligible.

(d) An applicant may apply for a grant if the Secretary does not encourage it to apply.

(Authority: 20 U.S.C. 1135)

[57 FR 30343, July 8, 1992]

Subpart D—How the Secretary Makes an Award

§ 630.31 How the Secretary evaluates an application.

On the basis of the applicable selection criteria in § 630.32, the Secretary evaluates a preapplication or application. Any comments and recommendations received from State commissions as described in § 630.33, and other information requested or additional materials requested or required in accordance with § 630.34, may also be used in evaluating applications.

(Authority: 20 U.S.C. 1135, 1135a-1, 1135a-2, 3474)

§ 630.32 Selection criteria.

Each year, in accordance with § 630.21, the Secretary announces the selection criteria that apply to each competition to be conducted that year. The selection criteria will be drawn from the criteria listed in paragraphs (a) through (c) of this section.

Each year, in accordance with § 630.21, the Secretary also announces the methods that the Secretary will use in applying the selection criteria in each competition. In applying the selection criteria, the Secretary first analyzes each application in terms of individual selection criteria, or groups of criteria, which may be given equal importance or ranked according to relative importance. The Secretary then makes a final evaluation based on an overall assessment of the extent to which each application satisfactorily addresses the applicable selection criteria.

(a) *Significance for Postsecondary Education.* The Secretary reviews each proposed project for its significance in improving postsecondary education by determining the extent to which it would—

(1) Achieve the purposes of the particular program competition as referenced in § 630.11;

(2) Address the program priorities for the particular program competition;

(3) Address an important problem or need;

(4) Represent an improvement upon, or important departure from, existing practice;

(5) Involve learner-centered improvements;

(6) Achieve far-reaching impact through improvements that will be useful in a variety of ways and in a variety of settings; and

(7) Increase the cost-effectiveness of services.

(b) *Feasibility.* The Secretary reviews each proposed project for its feasibility by determining the extent to which—

(1) The proposed project represents an appropriate response to the problem or need addressed;

(2) The applicant is capable of carrying out the proposed project, as evidenced by, for example—

(i) The applicant's understanding of the problem or need;

(ii) The quality of the project design, including objectives, approaches, and evaluation plan;

(iii) The adequacy of resources, including money, personnel, facilities, equipment, and supplies;

(iv) The qualifications of key personnel who would conduct the project; and

(v) The applicant's relevant prior experience;

(3) The applicant and any other participating organizations are committed to the success of the proposed project, as evidenced by, for example—

(i) Contribution of resources by the applicant and by participating organizations;

(ii) Their prior work in the area; and

(iii) The potential for continuation of the proposed project beyond the period of funding (unless the project would be self-terminating);

(4) The activities of the project, if funded under a National Project competition, would contribute to a collaboration among other grantees under that competition; and

(5) The proposed project demonstrates potential for dissemination to or adaptation by other organizations, and shows evidence of interest by potential users.

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(c) *Appropriateness of funding projects.* The Secretary reviews each application to determine whether support of the proposed project by the Secretary is appropriate in terms of the availability of other funding sources for the proposed activities.

(Authority: 20 U.S.C. 1135, 1135a-2, 3474)

§ 630.33 State comment.

The Secretary does not make an award for a project under the competitions described in §§ 630.11 (a) and (b) to a postsecondary institution applicant until the Secretary has afforded each appropriate State entity having an agreement under section 1203 of the Higher Education Act of 1965, an opportunity to submit its comments and recommendations on the application to the Secretary.

(Authority: 20 U.S.C. 1135a-1)

[47 FR 15552, Apr. 9, 1982, as amended at 52 FR 27523, July 21, 1987]

§ 630.34 Board approval.

The Secretary does not make an award to an applicant under § 630.11(c) until the application is approved by the National Board of the Fund for the Improvement of Postsecondary Education.

(Authority: 20 U.S.C. 1135e-1)

[52 FR 27523, July 21, 1987]

§ 630.35 Other information or materials.

Under some competitions in § 630.11, the Secretary may request other information or request or require additional materials after applications have been submitted. The information or additional materials requested or required are relevant to applicable criteria or priorities and are reviewed to verify or clarify information about projects or applicants in the Secretary's final evaluation of applications having equal merit. The Secretary may request or require interviews, references, or samples of written materials. Each year the Secretary announces, as described in § 630.21, those competitions in which other information may be requested or required, and lists the kind of informa-

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tion or additional materials that may be requested or required.

(Authority: 20 U.S.C. 1135, 1135a-2, 3474)

[47 FR 15552, Apr. 9, 1982. Redesignated at 52 FR 27523, July 21, 1987]

PART 636—URBAN COMMUNITY SERVICE PROGRAM

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636.30 How does the Secretary designate urban grant institutions?

636.31 How does the Secretary establish a network of urban grant institutions?

AUTHORITY: 20 U.S.C. 1136-1136h, unless otherwise noted.

SOURCE: 58 FR 42663, Aug. 11, 1993, unless otherwise noted.